



PTO/SB/21 (10-07)
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|--|------------------------|--|
| TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i> | Application Number | 08/208,972 (U.S. Patent No. 5,451,233) |
| | Filing Date | 03/09/1994 |
| | First Named Inventor | PAUL G. YOCK |
| | Art Unit | N/A |
| | Examiner Name | N/A |
| Total Number of Pages in This Submission | Attorney Docket Number | 077843.0113 |

| ENCLOSURES (Check all that apply) | | |
|---|--|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): REQUEST FOR INTERIM EXTENSION OF PATENT TERM PURSUANT TO 35 U.S.C. § 156(e)(2) AND 37 C.F.R. § 1.760 DURING PENDENCY OF PREVIOUSLY FILED PATENT TERM EXTENSION APPLICATION; Certificate of Express Mailing under 37 CFR 1.10; Return Receipt Postcard |
| Remarks Express Mail No.: ED 762 057 928 US | | |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT | | | |
|--|---------------------|----------|--------|
| Firm Name | Baker Botts L.L.P. | | |
| Signature | | | |
| Printed name | Daniel J. Hulseberg | | |
| Date | 07/28/2008 | Reg. No. | 36,554 |

| CERTIFICATE OF TRANSMISSION/MAILING | | | |
|---|--|------|--|
| I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below: | | | |
| Signature | | | |
| Typed or printed name | | Date | |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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FEE TRANSMITTAL for FY 2007

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 420

Complete if Known

| | |
|----------------------|--|
| Application Number | 08/208,972 (U.S. Patent No. 5,451,212) |
| Filing Date | 03/09/1994 |
| First Named Inventor | PAUL G. YOCK |
| Examiner Name | N/A |
| Art Unit | N/A |
| Attorney Docket No. | 077843.0113 |

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit
Account
Number
Deposit
Account
Name

02-4377

Baker Botts L.L.P.

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

Extra Claim Fees

| | Extra Claims | Fee | Fee Paid |
|--------------------|----------------------|-------|----------|
| Total Claims | <input type="text"/> | x 50 | = \$0 |
| Independent Claims | <input type="text"/> | x 210 | = \$0 |
| Multiple Dependent | <input type="text"/> | = | \$0 |

SUBTOTAL \$0

| Fee Description | Large Entity | Small Entity |
|---------------------------------------|--------------|--------------|
| Claims in excess of 20 | 50 | 25 |
| Independent claims in excess of 3 | 210 | 105 |
| Multiple dependent claim, if not paid | 370 | 185 |

FEE CALCULATION (continued)

ADDITIONAL FEES

| | |
|--|----------------------|
| <input type="checkbox"/> Surcharge - late oath or filing fee | <input type="text"/> |
| <input type="checkbox"/> Non-English Specification | <input type="text"/> |
| <input type="checkbox"/> Extension for reply within first month | <input type="text"/> |
| <input type="checkbox"/> Extension for reply within second month | <input type="text"/> |
| <input type="checkbox"/> Extension for reply within third month | <input type="text"/> |
| <input type="checkbox"/> Extension for reply within fourth month | <input type="text"/> |
| <input type="checkbox"/> Extension for reply within fifth month | <input type="text"/> |
| <input type="checkbox"/> Notice of Appeal | <input type="text"/> |
| <input type="checkbox"/> Filing a brief in support of an appeal | <input type="text"/> |
| <input type="checkbox"/> Petition to revive - unavoidable | <input type="text"/> |
| <input type="checkbox"/> Petition to revive - unintentional | <input type="text"/> |
| <input type="checkbox"/> Utility Issue Fee | <input type="text"/> |
| <input type="checkbox"/> Design Issue Fee | <input type="text"/> |
| <input type="checkbox"/> Publication Fee | <input type="text"/> |
| <input type="checkbox"/> Petitions to the Commissioner | <input type="text"/> |
| <input type="checkbox"/> Request for Continued Examination (RCE) | <input type="text"/> |
| <input type="checkbox"/> Information Disclosure Statement (IDS) | <input type="text"/> |

Other fee - 37 C.F.R. § 1.20(j)(2) Petition Fee \$420

SUBTOTAL (\$ 420

SUBMITTED BY

Name (Print/Type) Daniel J. Hulseberg

Registration No. 36,554
(Attorney/Agent)

(Complete if applicable)

Telephone 212-408-2500

Signature

Date 07/28/2008

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



07-29-08

920-3309

Application No. (if known): 08/208,972

Attorney Docket No.: 077843.0113

Certificate of Express Mailing Under 37 CFR 1.10

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Airbill No **ED 762 057 928 US** in an envelope addressed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on July 28, 2008
Date

Signature

David Schalk

Typed or printed name of person signing Certificate

60,527

Registration Number, if applicable

212-408-2500

Telephone Number

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

1. Transmittal Form (1 page)
2. Fee Transmittal (1 page)
3. REQUEST FOR INTERIM EXTENSION OF PATENT TERM
PURSUANT TO 35 U.S.C. § 156(e)(2) AND 37 C.F.R. § 1.760
DURING PENDENCY OF PREVIOUSLY FILED PATENT TERM
EXTENSION APPLICATION (2 pages)
4. Return Receipt Postcard



07-29-08

Attorney Docket No. 077843.0113

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: : U.S. Patent No. 5,451,233 (U.S.S.N. 08/208,972)
Issued: : September 19, 1995 Regulatory Approval Product: XIENCE™ V EECSS
Inventors : Paul G. Yock
For : Angioplasty Apparatus Facilitating Rapid Exchanges

REQUEST FOR INTERIM EXTENSION OF PATENT TERM PURSUANT TO
35 U.S.C. § 156(e)(2) AND 37 C.F.R. § 1.760 DURING PENDENCY OF PREVIOUSLY
FILED PATENT TERM EXTENSION APPLICATION

Express Mail No.: ED 762 057 928 US

Mail Stop: Hatch-Waxman PTE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant respectfully requests pursuant to 35 U.S.C. §156(e)(2) and 37 C.F.R. §1.760, an interim extension of the term of U.S. Patent 5,451,233 ("the '233 Patent") during pendency of the previously filed application for patent term extension pursuant to §156 and 37 C.F.R. §1.740 et al.

A formal application for extension of the term of the '233 Patent, believed to be in full compliance with 37 C.F.R. § 1.740, was filed by Applicant on **July 25, 2008**. The '233 Patent is set to expire on **October 29, 2008**. Although processing of the application for patent term extension is in progress, it is believed that the final determination and grant of the extension will not occur before October 29, 2008. Therefore, this request is being made for an interim extension of up to one year, or until final disposition of the application for patent term extension is made, if earlier.

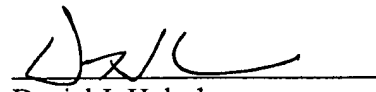
07/25/08 12:00PM RECEIVED 07/25/08 00000000
01 750000 00000000

This request is being filed more than three months prior to the expiration of the '233 Patent, as requested in 37 C.F.R. § 1.760. It is believed that Applicant is entitled to an extension of 937 days, thus the ultimate term of the '233 Patent will be in excess of the one year interim extension requested herein.

Please charge the fee for this initial application for interim extension required by 37 C.F.R. § 1.20(j)(2), to Deposit Account 02-4377, (Order No. 077843.0113). No additional fee is believed due; however, if an additional fee is due, please charge the additional fee to the above Deposit Account.

Date: July 28, 2008

Respectfully submitted,


Daniel J. Hulseberg
Patent Office Reg. No. 36,554

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